

FILED
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

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CLERK'S OFFICE
AT BALTIMORE

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CRIMINAL NO. MJG-97-0441

CARL BROWN DEPUTY

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MEMORANDUM AND ORDER

The Court has before it Defendant's Petition for Conditional Release. The Court finds that neither a response nor a hearing is necessary.

The Defendant was sentenced on January 6, 1998. The Guideline sentencing range was 360 months to life imprisonment. The Court departed downward and imposed a sentence of 235 months, more than ten years lower than the bottom of the Guideline range. There is a pending motion for reduction of sentence by virtue of the "crack amendment." Defendant seeks to have the Court release him from service of his sentence pending resolution of his motion for reduction of sentence.

The Court imposed a 235 month sentence by departing from a determined Offense Level 40, Criminal History Category IV to Offense Level 36 Criminal History Category III. If the Court were to grant the pending motion, it does not appear probable that it would be able to reduce the sentence below the range for Offense Level 34, Criminal History category III, a range of 188


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to 235 months. Accordingly, it does not now appear probable - although the Court is not reaching a determination as to this matter at present - that the sentence could be reduced sufficiently to permit the immediate release of the Defendant.

For the foregoing reasons:

1. Defendant's Petition for Conditional Release is DENIED.
2. This action is without prejudice to any right that Defendant may have in regard to his pending motion seeking a reduction of his sentence.

SO ORDERED this 6th day of August, 2008.



Marvin J. Garbis
United States District Judge